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10/087,405	02/26/2002	Robert J. Kunz	10012922-1	6237

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

RUDOLPH, VINCENT M

ART UNIT PAPER NUMBER

2625

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/087,405	<b>Applicant(s)</b> KUNZ, ROBERT J.	
	<b>Examiner</b> Vincent M. Rudolph	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 19-23 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19-23 and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathiesen (Pub. # 20030135381).

Regarding claim 9, Mathiesen (Pub. # 20030135381) discloses an imaging device (See Figure 1, Element 140 and 142) that inherently includes a memory for distributing the metrics information corresponding to the imaging operations (in order for the remote monitoring server, See Figure 1, Element 150, to obtain the metrics information, such as the status of the printers, See Page 2, Paragraph 0016) as well as inherently including a processor so that it is able to execute instructions from the operatively coupled memory (such as the page count and ink level so the remote monitoring server is able to receive it, See Page 2, Paragraph 0016). The imaging device receives a command to perform an imaging operation (the computer system, See Figure 1, Element 120, submits the job to the server computer, See Figure 1, Element 130, which then transfers the files to the printer, See Page 1-2, Paragraph 0015) and then performs the print job (once the printer receives the files from server computer, See Page 1-2, Paragraph 0015). Once the imaging operation is completed, the metrics information is communicated to a second device (remote monitoring server,

See Figure 1, Element 150) for access by an application on a third device (a separate device that is able to process either the billing, See Page 2, Paragraph 0017, or the replacement ordering, See Page 2, Paragraph 0021), which accesses the metrics information (the remote monitoring server forwards the information to the application, See Page 2, Paragraph 0017 and 0021).

Mathiesen (Pub. # 20030135381) does not disclose not forwarding any request for the metrics information to the first device.

Mathiesen (Pub. # 20030135381) does disclose that the remote monitoring server stores the metrics information from the printer, and the end user obtains the information from the remote monitoring server, not the printer, in order to properly bill the account (See Page 2, Paragraph 0017). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to not forward any request for the metrics information to the imaging device as disclosed by Mathiesen (Pub. # 20030135381) because as the server retrieves and stores the updated metrics information, a third device is able to request and retrieve that information already stored on the server. Also, by not forwarding a request to the imaging device, it reduces the lag time transferring the request from the third device, to the second and arrive at the imaging device and return the initial request through the same path in order to end at the third device.

Regarding claim 10, Mathiesen (Pub. # 20030135381) discloses the metrics information comprises page count and print media type information (the number of print media units printed and ink levels of each cartridge, See Page 2, Paragraph 0016).

Regarding claim 11, Mathiesen (Pub. # 20030135381) discloses the metrics information is not directly solicited from the imaging device by the third device (since the second device, the remote monitoring server, provides the information to the third device, the third device does not request this information, See Page 2, Paragraph 0017 and 0021).

Regarding claim 12, Mathiesen (Pub. # 20030135381) discloses the metrics information includes toner utilization information (the toner level in each toner cartridge, See Page 2, Paragraph 0016).

Regarding claims 5-8, the rationale provided in the rejection of claims 9-12 is incorporated herein. In addition, the imaging device of claims 9-12 corresponds to the computer-readable medium of claims 5-8 and performs the steps disclosed.

Regarding claim 27, Mathiesen (Pub. # 20030135381) discloses a method for providing real-time imaging metrics information (the remote monitoring server, See Figure 1, Element 150, obtains the metrics information of the printer, See Page 2, Paragraph 0016). This includes a server device (remote monitoring server, See Figure 1, Element 150) receiving the metrics information corresponding to an imaging operation performed by the imaging device (the server receives, or monitors, the status of the printer, such as the ink level, See Page 2, Paragraph 0016). Once the imaging metrics is received, the server automatically communicates a portion of the imaging metrics to an order processing utility (if the ink level is getting low, the server communicates the data to see if a replacement cartridge through the order processing utility is needed, See page 2, Paragraph 0021).

Mathiesen (Pub. # 20030135381) does not disclose that the order processing utility is located at a place other than the imaging device and the server device, but it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the order processing utility located separate from the remote processing server, such as on the vendor's device, so that the server is able to place an order and have it shipped to the end user (See Page 2, Paragraph 0021).

Regarding claim 28, Mathiesen (Pub. # 20030135381) discloses the application can be either a billing utility of an order processing utility (the application is on a separate device that is able to process either the billing, See Page 2, Paragraph 0017, or the replacement ordering, See Page 2, Paragraph 0021).

Claims 1-4, 19-22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathiesen (Pub. # 20030135381) in view of Garr ('420).

Regarding claim 1, Mathiesen (Pub. # 20030135381) discloses a method for distributing peripheral device operational metrics information (obtaining the content information of the printer, See Page 2, Paragraph 0016). This includes receiving a command to perform an imaging operation (the computer system, See Figure 1, Element 120, submits the job to the server computer, See Figure 1, Element 130, which then transfers the files to the printer, See Page 1-2, Paragraph 0015) and then performs the print job (once the printer receives the files from server computer, See Page 1-2, Paragraph 0015). Once the imaging operation is completed, the metrics information is communicated to a second device (remote monitoring server, See Figure 1, Element 150) and then forwarded to a third device without communicating with the first device

(forwarding the information to a device that includes either order processing, See Page 2, Paragraph 0021 or a billing account, See Page 2, Paragraph 0017, without communicating with a first device since the remote monitoring server provides the communication).

Mathiesen (Pub. # 20030135381) does not disclose the second device receiving a request from a third device to access the metrics information.

Garr ('420) discloses a third device (host computer) that requests to access the metrics information (tracks the toner gradation changes and total pages printed from the printer, See Col. 17, Line 63-Col. 18, Line 4, so a user is able to view it, See Figure 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have a host computer as a third device, such as the one disclosed by Garr ('420) and incorporate it into the distributed computing environment of Mathiesen (Pub. # 20030135381) because by having a host computer view the metrics information, a user is able to request and view the combined metrics information used on multiple printers (See Mathiesen (Pub. #.20030135381), Figure 1) from the server instead of accessing a single printer to access the metrics information.

Regarding claim 19, Mathiesen (Pub. # 20030135381) discloses a computer-readable medium for providing real time imaging metrics information (it is inherent that a remote processing server, See Figure 1, Element 150, includes a computer-readable medium so that the server is able to store the metrics information, See Page 2, Paragraph 0016). This includes a server device (remote monitoring server, See Figure 1, Element 150) receiving the imaging operational metrics information corresponding to

an imaging operation performed by the imaging device (the server receives, or monitors, the status of the printer, such as the ink level, See Page 2, Paragraph 0016). Once the imaging metrics is received, the server automatically communicates a portion of the imaging operational metrics to an application program that executes on another device that is different from the imaging and server device (if the ink level is getting low, the server communicates the data to an order processing, which inherently runs on a different device, such as on the vendor's device, so that the server is able to place an order and have it shipped to the end user if a replacement cartridge is needed, See page 2, Paragraph 0021).

Mathiesen (Pub. # 20030135381) does not disclose the server receiving a request from an application program for a portion of the imaging operational metrics.

Garr ('420) discloses an application program (See Figure 7) on a host computer that requests to access the metrics information so a user is able to view it (tracks the toner gradation changes and total pages printed from the printer, See Col. 17, Line 63-Col. 18, Line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have an application on a host computer, such as the one disclosed by Garr ('420) and incorporate it into the computer-readable medium of Mathiesen (Pub. # 20030135381) because by having a host computer view the metrics information, a user is able to request and view the combined metrics information used on multiple printers (See Mathiesen (Pub. # 20030135381), Figure 1) from the server instead of accessing a single printer to access the metrics information.



Regarding claims 2-4 and 20-21, the rationale provided in the rejection of claims 10-12 is incorporated herein. In addition, the imaging device of claims 10-12 corresponds to the method of claims 2-4, and the imaging device of claims 10 and 12 corresponds to the computer-readable medium of claims 20-21 and performs the steps disclosed.

Regarding claim 22, Mathiesen (Pub. # 20030135381) discloses a server (remote monitoring server, See Figure 1, Element 150) that inherently includes a memory for providing real-time imaging metrics information (in order for the remote monitoring server, to obtain and store the metrics information, such as the status of the printers, See Page 2, Paragraph 0016) as well as inherently including a processor so that it is able to execute instructions from the operatively coupled memory (such as the page count and ink level, See Page 2, Paragraph 0016). This includes a server device (remote monitoring server, See Figure 1, Element 150) receiving an unsolicited set of imaging operational metrics information corresponding to an imaging operation performed by the imaging device (the server receives, or monitors, the status of the printer, such as the ink level, See Page 2, Paragraph 0016). Once the imaging metrics is received, the server automatically communicates a portion of the imaging operational metrics to an application program that executes on another device that is different from the imaging and server device (if the ink level is getting low, the server communicates the data to an order processing, which inherently runs on a different device, such as on the vendor's device, so that the server is able to place an order and have it shipped to the end user if a replacement cartridge is needed, See page 2, Paragraph 0021).

Mathiesen (Pub. # 20030135381) does not disclose the server receiving a request from an application program for a portion of the imaging operational metrics.

Garr ('420) discloses an application program (See Figure 7) on a host computer that requests to access the metrics information so a user is able to view it (tracks the toner gradation changes and total pages printed from the printer, See Col. 17, Line 63-Col. 18, Line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have an application on a host computer, such as the one disclosed by Garr ('420) and incorporate it into the computer-readable medium of Mathiesen (Pub. # 20030135381) because by having a host computer view the metrics information, a user is able to request and view the combined metrics information used on multiple printers (See Mathiesen (Pub. # 20030135381), Figure 1) from the server instead of accessing a single printer to access the metrics information.

Regarding claim 29, Mathiesen (Pub. # 20030135381) discloses the communication to the order processing utility is done without polling or querying the server device (the remote monitoring server initiates the communication with the order processing utility so that a replacement is able to be ordered, See Page 2, Paragraph 0021).

Claims 23 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathiesen (Pub. # 20030135381) in view of Garr ('420) as applied to claims 1 and 22, and further in view of Murakami ('854).

Regarding claim 23, Mathiesen (Pub. # 20030135381) discloses the second device (remote monitoring server, See Figure 1, Element 150) provides access for the metrics information to the third device when the first device (printer, See Figure 1, Element 140 and 142) communicates updated metrics information to the second device (provides information to a device that includes either order processing, See Page 2, Paragraph 0021 or a billing account, See Page 2, Paragraph 0017, whenever the server obtains updated content information from the printer, See Page 2, Paragraph 0016).

Mathiesen (Pub. # 20030135381) does not disclose the second device receiving a registration request from a third device to automatically receive the metrics information whenever it is updated.

Murakami ('854) discloses a third device (host computer) that requests to access the metrics information (the user gets the toner amount either by request, or at a designated time period, See Col. 9, Line 46-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have a host computer as a third device, such as the one disclosed by Murakami ('854) and incorporate it into the distributed computing environment of Mathiesen (Pub. # 20030135381) because by allowing a host computer to view the metrics information, a user is able to request and view the updated metrics information in order to know how much toner remains in the printer.

Regarding claim 30, Mathiesen (Pub. # 20030135381) discloses the communication to the application program is done without it polling or querying the server device (the remote monitoring server initiates communication with the order

processing utility so that a replacement is able to be ordered, See Page 2, Paragraph 0021).

Mathiesen (Pub. # 20030135381) does not disclose the second device receiving a registration request from an application program.

Murakami ('854) discloses an application program (on a host computer, See Col. 9, Line 51-53) that requests to access the metrics information (the user gets the toner amount either by request, or at a designated time period, See Col. 9, Line 46-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have a host computer as a third device, such as the one disclosed by Murakami ('854) and incorporate it into the distributed computing environment of Mathiesen (Pub. # 20030135381) because by allowing a host computer to view the metrics information, a user is able to request and view the updated metrics information in order to know how much toner remains in the printer.

Regarding claim 31, Mathiesen (Pub. # 20030135381) discloses a method for providing real-time imaging metrics information (the remote monitoring server, See Figure 1, Element 150, obtains the metrics information of the printer, See Page 2, Paragraph 0016). This includes a server device (remote monitoring server, See Figure 1, Element 150) receiving the metrics information corresponding to an imaging operation performed by the imaging device (the server receives, or monitors, the status of the printer, such as the ink level, See Page 2, Paragraph 0016). Once the imaging metrics is received, the server automatically communicates a portion of the imaging metrics to a billing program (in order to charge a user's account for the amount printed,

See Page 2, Paragraph 0017). Also, the server device is configured (remote monitoring server, See Figure 1, Element 150) to automatically communicate a portion of the imaging metrics to a billing program (the server communicates with a user's account to charge the end user for the units of media printed, See Page 2, Paragraph 0017).

Mathiesen (Pub. # 20030135381) does not disclose receiving a registration request from a utility program.

Murakami ('854) discloses a utility program (on a host computer, See Col. 9, Line 51-53) that sends a registration requesting to access the metrics information (the user gets the toner amount either by request, or at a designated time period, See Col. 9, Line 46-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have a utility program, such as the one disclosed by Murakami ('854) and incorporate it into a billing program within the distributed computing environment of Mathiesen (Pub. # 20030135381) because by allowing a host computer to view the metrics information, a billing utility is able to apply updated metrics information received for the user in order to know the amount charged for the toner used within a print job.

### ***Response to Arguments***

Applicant argues that Mathiesen does not disclose that a printer communicates the metrics information to any device responsive to performing the imaging operation. The updated metrics information cannot be sent to the second device though until the printing operation is completed. By doing this, it allows the server to receive and store

the metrics information (See Page 2, Paragraph 0016). Also, since the imaging device provides the metrics information to a second device (remote monitoring server), there is no need to forward a request to the imaging device if the second device already stores the updated metrics information.

Applicant argues that Mathiesen teaches an order processing utility is located at the server device and not within the image device and the server device. The processing utility though is not limited to sending. As a result, Mathiesen discloses that by having the remote monitoring server track the print jobs executed, it is able to send the metrics information in order to bill a user or reorder supplies (See Page 2, Paragraph 0017 and 0021).

Applicant argues that Mathiesen in combination with Garr does not suggest of a third device. The prior art of Garr, which discloses of a third device (the host computer), incorporated within Mathiesen though meets the claimed limitation since motivation was used above for combining the two references together so that a user is able to access the metrics information from multiple printers, but not at the same time, through a single remote monitoring server since it stores all the metrics information.

Applicant also argues that the metrics information, as disclosed by Mathiesen, is not received at the remote monitoring server from the imaging device, but instead from the server. Mathiesen discloses within Page 2, Paragraph 0017 that "the remote monitoring server 150 may be adapted to automatically monitor conditions at the server computer 130 and the at least one printer 140, 142." Thus, the remote monitoring server, and not the server computer, receives the metrics information from the printer.

As a result of the amended claims, as well as incorporating the prior art of Murakami to meet the claimed limitations, this action is made **NON-FINAL**.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/19/06  
VMR

Vincent M. Rudolph  
Examiner  
Art Unit 2625



MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600